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DEPARTMENT OF COMMERCE AND LABOR  
BUREAU OF IMMIGRATION AND NATURALIZATION

TREATY LAWS AND  
REGULATIONS

GOVERNING

THE ADMISSION OF CHINESE

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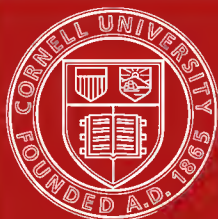
REGULATIONS APPROVED FEBRUARY 26, 1907

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July, 1907



WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1907



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Treaty, laws, and regulations governing



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DEPARTMENT OF COMMERCE AND LABOR  
BUREAU OF IMMIGRATION AND NATURALIZATION

TREATY, LAWS, AND  
REGULATIONS

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DEPARTMENT OF COMMERCE AND LABOR

Document No. 54

BUREAU OF IMMIGRATION AND NATURALIZATION



# TREATY CONCERNING THE IMMIGRATION OF CHINESE.

## TREATY BETWEEN THE UNITED STATES AND CHINA, CONCERNING IMMIGRATION.

November 17,  
1880.

22 Stat., 826.

[Concluded November 17, 1880; ratification advised by the Senate May 5, 1881; ratified by the President May 9, 1881; ratifications exchanged July 19, 1881; proclaimed October 5, 1881.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

Whereas a Treaty between the United States of America and China, for the modification of the existing treaties between the two countries, by providing for the future regulation of Chinese immigration into the United States, was concluded and signed at Peking in the English and Chinese languages, on the seventeenth day of November in the year of our Lord one thousand eight hundred and eighty, the original of the English text of which Treaty is word for word as follows:

Proclamation.

Whereas, in the eighth year of Hsien Feng, Anno Domini 1858, a treaty of peace and friendship was concluded between the United States of America and China, and to which were added, in the seventh year of Tung Chih, Anno Domini 1868, certain supplementary articles to the advantage of both parties, which supplementary articles were to be perpetually observed and obeyed:—and

Preamble.

Whereas the Government of the United States, because of the constantly increasing immigration of Chinese laborers to the territory of the United States, and the embarrassments consequent upon such immigration, now desires to negotiate a modification of the existing Treaties which shall not be in direct contravention of their spirit:—

Now, therefore, the President of the United States of America has appointed James B. Angell, of Michigan, John F. Swift, of California, and William Henry Trescot, of South Carolina as his Commissioners Plenipotentiary; and His Imperial Majesty, the Emperor of China, has

Contracting  
parties.

appointed Pao Chün, a member of His Imperial Majesty's Privy Council, and Superintendent of the Board of Civil Office; and Li Hungtsao, a member of His Imperial Majesty's Privy Council, as his Commissioners Plenipotentiary; and the said Commissioners Plenipotentiary, having conjointly examined their full powers, and having discussed the points of possible modification in existing Treaties, have agreed upon the following articles in modification.

#### ARTICLE I.

Chinese laborers, limitation and suspension of immigration of.

Whenever in the opinion of the Government of the United States the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it.<sup>a</sup> The limitation or suspension shall be reasonable, and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation, or suspension of immigration, and immigrants shall not be subject to personal maltreatment or abuse.

#### ARTICLE II.

Chinese subjects in the United States.

Chinese subjects, whether proceeding to the United States as teachers, students, merchants or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

#### ARTICLE III.

Treatment and privileges of.

If Chinese laborers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with illtreatment at the

<sup>a</sup> Amended by various provisions of law prohibiting the admission of Chinese laborers to the United States.

hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.

#### ARTICLE IV.

The high contracting powers having agreed upon the foregoing articles, whenever the Government of the United States shall adopt legislative measures in accordance therewith, such measures will be communicated to the Government of China. If the measures as enacted are found to work hardship upon the subjects of China, the Chinese Minister at Washington may bring the matter to the notice of the Secretary of State of the United States, who will consider the subject with him; and the Chinese Foreign Office may also bring the matter to the notice of the United States minister at Peking and consider the subject with him, to the end that mutual and unqualified benefit may result.

In faith whereof the respective Plenipotentiaries have signed and sealed the foregoing at Peking, in English and Chinese being three originals of each text of even tenor and date, the ratifications of which shall be exchanged at Peking within one year from date of its execution.

Done at Peking, this seventeenth day of November, in the year of our Lord, 1880. Kuanghsü, sixth year, tenth moon, fifteenth day.

JAMES B. ANGELL.	[SEAL.]
JOHN F. SWIFT.	[SEAL.]
WM. HENRY TRECOT.	[SEAL.]
PAO CHÜN.	[SEAL.]
LI HUNGSAO.	[SEAL.]

Signatures.

And whereas the said Treaty has been duly ratified on both parts and the respective ratifications were exchanged at Peking on the 19th day of July 1881:

Proclamation.

Now, therefore, be it known that I, Chester A. Arthur, President of the United States of America, have caused the said Treaty to be made public to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

## TREATY OF NOVEMBER 17, 1880.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done in Washington this fifth day of October in the year of our Lord one thousand eight hundred and eighty-one, and of the Independence of the United States the one hundred and sixth.

[SEAL.]

CHESTER A. ARTHUR.

By the President:

JAMES G. BLAINE,

*Secretary of State.*

## LAWS RELATING TO THE ADMISSION OF CHINESE.

### ACT OF MAY 6, 1882, AS AMENDED AND ADDED TO BY ACT OF JULY 5, 1884.<sup>a</sup>

(22 Stat., p. 58; 23 Stat., p. 115.)

AN ACT to amend an act entitled "An act to execute certain treaty stipulations relating to Chinese, approved May sixth, eighteen hundred and eighty-two."

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section one of the act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May sixth, eighteen hundred and eighty-two, is hereby amended so as to read as follows:

"Whereas in the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof; Therefore

Preamble.

*"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the passage of this act, and until the expiration of ten years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby suspended, and during such suspension it shall not be lawful for any Chinese laborer to come from any foreign port or place, or having so come to remain within the United States."

Period of exclusion.

Section two of said act is hereby amended so as to read as follows:

"SEC. 2. That the master of any vessel who shall knowingly bring within the United States on such vessel, and

Liability of master of vessel.

<sup>a</sup>The act of May 6, 1882, as amended and added to by the act of July 5, 1884, was continued in force for an additional period of ten years from May 5, 1892, by the act of May 5, 1892 (27 Stat., p. 25); and was, with all laws on this subject in force on April 29, 1902, reenacted, extended, and continued without modification, limitation, or condition by the act of April 29, 1902 (32 Stat., p. 176), as amended by the act of April 27, 1904 (33 Stat., p. 428).

land, or attempt to land, or permit to be landed any Chinese laborer, from any foreign port or place, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than five hundred dollars for each and every such Chinese laborer so brought, and may also be imprisoned for a term not exceeding one year."

Section three of said act is hereby amended so as to read as follows:

Exceptions—  
resident labor-  
ers.

"SEC. 3. That the two foregoing sections shall not apply to Chinese laborers who were in the United States on the seventeenth day of November, eighteen hundred and eighty, or who shall have come into the same before the expiration of ninety days next after the passage of the act to which this act is amendatory, nor shall said sections apply to Chinese laborers, who shall produce to such master before going on board such vessel, and shall produce to the collector of the port in the United States at which such vessel shall arrive, the evidence hereinafter in this act required of his being one of the laborers in this section mentioned; nor shall the two foregoing sections apply to the case of any master whose vessel, being bound to a port not within the United States, shall come within the jurisdiction of the United States by reason of being in distress or in stress of weather, or touching at any port of the United States on its voyage to any foreign port or place: *Provided*: That all Chinese laborers brought on such vessel shall not be permitted to land except in case of absolute necessity, and must depart with the vessel on leaving port."

Vessel in dis-  
tress.

NOTE.—Sections 4 and 5, which follow, have been superseded by the act of September 13, 1888, post.

Section four of said act is hereby amended so as to read as follows:

Chinese labor-  
ers in United  
States—how  
identified.

Amended by act  
of Sept. 13, 1888.

"SEC. 4. That for the purpose of properly identifying Chinese laborers who were in the United States on the seventeenth day of November, eighteen hundred and eighty, or who shall have come into the same before the expiration of ninety days next after the passage of the act to which this act is amendatory, and in order to furnish them with the proper evidence of their right to go from and come to the United States as provided by the said act and the treaty between the United States and China dated November seventeenth, eighteen hundred and eighty, the

Chinese inspector in charge of the district from which any such Chinese laborer shall depart from the United States shall, in person or by deputy, go on board each vessel having on board any such Chinese laborer, and cleared or about to sail from his district for a foreign port, and on such vessel make a list of all such Chinese laborers, which shall be entered in registry books, to be kept for that purpose in which shall be stated the individual, family, and tribal name in full, the age, occupation, when and where followed, last place of residence, physical marks or peculiarities, and all facts necessary for the identification of each of such Chinese laborers, which books shall be safely kept in the custom-house; and every such Chinese laborer so departing from the United States shall be entitled to and shall receive, free of any charge or cost upon application therefor, from the Chinese inspector in charge or his deputy, in the name of said inspector and attested by said inspector's seal of office, at the time such list is taken, a certificate, signed by the said inspector or his deputy and attested by his seal of office, in such form as the Secretary of Commerce and Labor shall prescribe, which certificate shall contain a statement of the individual, family, and tribal name in full, age, occupation, when and where followed, of the Chinese laborer to whom the certificate is issued, corresponding with the said list and registry in all particulars.

Collector to  
make list of de-  
parting laborers.

Certificate to be  
given laborer.

“In case any Chinese laborer, after having received such certificate, shall leave such vessel before her departure, he shall deliver his certificate to the master of the vessel; and if such Chinese laborer shall fail to return to such vessel before her departure from port, the certificate shall be delivered by the master to the collector of customs for cancellation.

“The certificate herein provided for shall entitle the Chinese laborer to whom the same is issued to return to and reenter the United States upon producing and delivering the same to the Chinese inspector in charge of the district at which such Chinese laborer shall seek to reenter, and said certificate shall be the only evidence permissible to establish his right of reentry; and upon delivering of such certificate by such Chinese laborer to the said inspector at the time of reentry in the United States, said inspector shall cause the same to be filed in the custom-house and duly canceled.”

Certificate to  
be sole evidence  
of right to enter.

Departure by  
land.  
*Amended by act  
of Sept. 13, 1888.*

SEC. 5. That any Chinese laborer mentioned in section four of this act being in the United States, and desiring to depart from the United States by land, shall have the right to demand and receive, free of charge or cost, a certificate of identification similar to that provided for in section four of this act to be issued to such Chinese laborers as may desire to leave the United States by water; and it is hereby made the duty of the Chinese inspector in charge of the district next adjoining the foreign country to which said Chinese laborer desires to go to issue such certificate, free of charge or cost, upon application by such Chinese laborer, and to enter the same upon registry-books to be kept by him for the purpose, as provided for in section four of this act.

Certificate.

Section six of said act is hereby amended so as to read as follows:

Persons other  
than laborers.

“SEC. 6. That in order to the faithful execution of the provisions of this act, every Chinese person, other than a laborer, who may be entitled by said treaty or this act to come within the United States, and who shall be about to come to the United States, shall obtain the permission of and be identified as so entitled by the Chinese Government, or of such other foreign government of which at the time such Chinese person shall be a subject, in each case to be evidenced by a certificate issued by such Government, which certificate shall be in the English language, and shall show such permission, with the name of the permitted person in his or her proper signature, and which certificate shall state the individual, family, and tribal name in full, title or official rank, if any, the age, height, and all physical peculiarities, former and present occupation or profession, when and where and how long pursued, and place of residence of the person to whom the certificate is issued, and that such person is entitled by this act to come within the United States.

Permission and  
identification by  
Chinese Govern-  
ment.

Certificate.

Merchants.

“If the person so applying for a certificate shall be a merchant, said certificate shall, in addition to above requirements, state the nature, character, and estimated value of the business carried on by him prior to and at the time of his application as aforesaid: *Provided*, That nothing in this act nor in said treaty shall be construed as embracing within the meaning of the word ‘merchant,’ hucksters, peddlers, or those engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation.



“If the certificate be sought for the purpose of travel for curiosity, it shall also state whether the applicant intends to pass through or travel within the United States, together with his financial standing in the country from which such certificate is desired.

Travelers.

“The certificate provided for in this act, and the identity of the person named therein shall, before such person goes on board any vessel to proceed to the United States, be viséed by the indorsement of the diplomatic representatives of the United States in the foreign country from which such certificate issues, or of the consular representative of the United States at the port or place from which the person named in the certificate is about to depart; and such diplomatic representative or consular representative whose indorsement is so required is hereby empowered, and it shall be his duty, before indorsing such certificate as aforesaid, to examine into the truth of the statements set forth in said certificate, and if he shall find upon examination that said or any of the statements therein contained are untrue it shall be his duty to refuse to indorse the same.

Consular visé.

“Such certificate viséed as aforesaid shall be prima facie evidence of the facts set forth therein, and shall be produced to the Chinese inspector in charge of the port in the district in the United States at which the person named therein shall arrive, and afterward produced to the proper authorities of the United States whenever lawfully demanded, and shall be the sole evidence permissible on the part of the person so producing the same to establish a right of entry into the United States; but said certificate may be controverted and the facts therein stated disproved by the United States authorities.”

Certificate prima facie evidence against United States and sole evidence for holder.

SEC. 7. That any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate or forge any such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, shall be deemed guilty of a misdemeanor; and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars, and imprisoned in a penitentiary for a term of not more than five years.

Penalties—fraudulent certificates.

Section eight of said act is hereby amended so as to read as follows:

“SEC. 8. That the master of any vessel arriving in the United States from any foreign port or place shall, at the

Master of vessel to furnish sworn list of passengers.

same time he delivers a manifest of the cargo, and if there be no cargo, then at the time of making a report of the entry of the vessel pursuant to law, in addition to the other matter required to be reported, and before landing, or permitting to land, any Chinese passengers, deliver and report to the Chinese inspector in charge of the district in which such vessels shall have arrived a separate list of all Chinese passengers taken on board his vessel at any foreign port or place, and all such passengers on board the vessel at that time. Such list shall show the names of such passengers (and if accredited officers of the Chinese or of any other foreign Government, traveling on the business of that Government, or their servants, with a note of such facts), and the names and other particulars as shown by their respective certificates; and such list shall be sworn to by the master in the manner required by law in relation to the manifest of the cargo.

Penalty.

“Any refusal or willful neglect of any such master to comply with the provisions of this section shall incur the same penalties and forfeiture as are provided for a refusal or neglect to report and deliver a manifest of the cargo.”

Collector to examine and compare certificates and lists.

SEC. 9. That before any Chinese passengers are landed from any such vessel, the Chinese inspector in charge, or his deputy, shall proceed to examine such passengers, comparing the certificates with the list and with the passengers; and no passenger shall be allowed to land in the United States from such vessel in violation of law.

Section ten of said act is hereby amended so as to read as follows:

Liability of vessel. Persons aiding or abetting unlawful entry.

“SEC. 10. That every vessel whose master shall knowingly violate any of the provisions of this act shall be deemed forfeited to the United States, and shall be liable to seizure and condemnation in any district of the United States into which such vessel may enter or in which she may be found.”

Section eleven of said act is hereby amended so as to read as follows:

Unlawful landing—penalty.

“SEC. 11. That any person who shall knowingly bring into or cause to be brought into the United States by land, or who shall aid or abet the same, or aid or abet the landing in the United States from any vessel, of any Chinese person not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor, and shall on conviction thereof, be fined in a sum not exceeding one

thousand dollars, and imprisoned for a term not exceeding one year."

Section twelve of said act is hereby amended so as to read as follows:

"SEC. 12. That no Chinese person shall be permitted to enter the United States by land without producing to the proper Chinese inspector the certificate in this act required of Chinese persons seeking to land from a vessel.

Entry by land.

"And any Chinese person found unlawfully within the United States shall be caused to be removed therefrom to the country from whence he came, and at the cost of the United States, after being brought before some justice, judge, or commissioner of a court of the United States and found to be one not lawfully entitled to be or to remain in the United States; and in all such cases the person who brought or aided in bringing such person to the United States shall be liable to the Government of the United States for all necessary expenses incurred in such investigation and removal; and all peace officers of the several States and Territories of the United States are hereby invested with the same authority as a marshal or United States marshal in reference to carrying out the provisions of this act or the act of which this is amendatory, as a marshal or deputy marshal of the United States, and shall be entitled to like compensation to be audited and paid by the same officers.

Deportation.

Liability for expenses of removal.

Authority of State officers.

"And the United States shall pay all costs and charges for the maintenance and return of any Chinese person having the certificate prescribed by law as entitling such Chinese person to come into the United States who may not have been permitted to land from any vessel by reason of any of the provisions of this act."

Cost of maintenance and return of person having required certificate.

Section thirteen of said act is hereby amended so as to read as follows:

"SEC. 13. That this act shall not apply to diplomatic and other officers of the Chinese or other Governments traveling upon the business of that Government, whose credentials shall be taken as equivalent to the certificate in this act mentioned, and shall exempt them and their body and household servants from the provisions of this act as to other Chinese persons."

Diplomatic officers exempt.

SEC. 14. That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.

Naturalization of Chinese prohibited.

Section fifteen of said act is hereby amended so as to read as follows:

Act applicable to "Chinese" generally.

SEC. 15. That the provisions of this act shall apply to all subjects of China and Chinese, whether subjects of China or any other foreign power; and the words Chinese laborers, wherever used in this act shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining."

—"laborers" Amended by act of Nov. 3, 1893.

Violations—penalties for, not otherwise provided.

SEC. 16. That any violation of any of the provisions of this act, or of the act of which this is amendatory, the punishment of which is not otherwise herein provided for, shall be deemed a misdemeanor, and shall be punishable by fine not exceeding one thousand dollars, or by imprisonment for not more than one year, or both such fine and imprisonment.

Not to affect proceedings under former act.

SEC. 17. That nothing contained in this act shall be construed to affect any prosecution or other proceeding criminal or civil, begun under the act of which this is amendatory; but such prosecution or other proceeding, criminal or civil, shall proceed as if this act had not been passed.

Approved, July 5, 1884.

ACT OF SEPTEMBER 13, 1888.

(25 Stat., pp. 476-477.)

AN ACT To prohibit the coming of Chinese laborers to the United States.

\* \* \* \* \*

Return of laborers prohibited.

SEC. 5. That from and after the passage of this act, no Chinese laborer in the United States shall be permitted, after having left, to return thereto, except under the conditions stated in the following sections.

Exceptions — wife, child, or parent resident here.

SEC. 6. That no Chinese laborer within the purview of the preceding section shall be permitted to return to the United States unless he has a lawful wife, child, or parent in the United States, or property therein of the value of one thousand dollars, or debts of like amount due him and pending settlement.

Property or choses in action of value of \$1,000 here.

Time of marriage.

The marriage to such wife must have taken place at least a year prior to the application of the laborer for a permit to return to the United States, and must have been followed by the continuous cohabitation of the parties as man and wife.

If the right to return be claimed on the ground of property or of debts, it must appear that the property is bona fide and not colorably acquired for the purpose of evading this act, or that the debts are unascertained and unsettled, and not promissory notes or other similar acknowledgments of ascertained liability.

Property and choses in action must be bona fide.

Promissory notes insufficient.

SEC. 7. That a Chinese person claiming the right to be permitted to leave the United States and return thereto on any of the grounds stated in the foregoing section, shall apply to the Chinese inspector in charge of the district from which he wishes to depart at least a month prior to the time of his departure, and shall make on oath before the said inspector a full statement descriptive of his family, or property, or debts, as the case may be, and shall furnish to said inspector such proofs of the facts entitling him to return as shall be required by the rules and regulations prescribed from time to time by the Secretary of Commerce and Labor, and for any false swearing in relation thereto he shall incur the penalties of perjury.

Identification of returning laborer.

He shall also permit the Chinese inspector in charge to take a full description of his person, which description the collector shall retain and mark with a number.

And if the said inspector, after hearing the proofs and investigating all the circumstances of the case, shall decide to issue a certificate of return, he shall at such time and place as he may designate, sign and give to the person applying a certificate containing the number of the description last aforesaid, which shall be the sole evidence given to such person of his right to return.

Certificate.

—to be sole evidence given of right to return.

If this last-named certificate be transferred, it shall become void, and the person to whom it was given shall forfeit his right to return to the United States.

—not to be transferred.

The right to return under the said certificate shall be limited to one year; but it may be extended for an additional period, not to exceed a year, in cases where, by reason of sickness or other cause of disability beyond his control, the holder thereof shall be rendered unable sooner to return, which facts shall be fully reported to and investigated by the consular representative of the United States at the port or place from which such laborer departs for the United States, and certified by such representative of the United States to the satisfaction of the Chinese inspector in charge at the port where such Chinese person shall seek to land in the United States, such certificate to

Limitation—extension in case of sickness or disability.

Certificate of sickness or disability.

be delivered by said representative to the master of the vessel on which he departs for the United States.

Return certificate indispensable.

And no Chinese laborer shall be permitted to re-enter the United States without producing to the proper officer in charge at the port of such entry the return certificate herein required. A Chinese laborer possessing a certificate under this section shall be admitted to the United States only at the port from which he departed therefrom, and no Chinese person, except Chinese diplomatic or consular officers, and their attendants, shall be permitted to enter the United States except at the ports of San Francisco, Portland, Oregon, Boston, New York, New Orleans, Port Townsend, or such other ports as may be designated by the Secretary of Commerce and Labor.

Laborer to be admitted only at port from which he departed.

Chinese may enter only at certain ports.

Secretary of Commerce and Labor to prescribe regulations.

SEC. 8. That the Secretary of Commerce and Labor shall be, and he hereby is, authorized and empowered to make and prescribe, and from time to time to change and amend such rules and regulations, not in conflict with this act, as he may deem necessary and proper to conveniently secure to such Chinese persons as are provided for in articles second and third of the said treaty between the United States and the Empire of China, the rights therein mentioned, and such as shall also protect the United States against the coming and transit of persons not entitled to the benefit of the provisions of said article.

—and form of certificates.

And he is hereby further authorized and empowered to prescribe the form and substance of certificates to be issued to Chinese laborers under and in pursuance of the provisions of said articles, and prescribe the form of the record of such certificate and of the proceedings for issuing the same, and he may require the deposit, as a part of such certificate shall be issued.

Deposit of photographs.

Violation of act by master of vessel.

SEC. 9. That the master of any vessel who shall knowingly bring within the United States on such vessel, and land, or attempt to land, or permit to be landed any Chinese laborer or other Chinese person, in contravention of the provisions of this act, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished with a fine of not less than five hundred dollars nor more than one thousand dollars, in the discretion of the court, for every Chinese laborer or other Chinese person so brought, and may also be imprisoned for a term of not less than one year, nor more than five years, in the discretion of the court.

Penalty.

SEC. 10. That the foregoing section shall not apply to the case of any master whose vessel shall come within the jurisdiction of the United States in distress or under stress of weather, or touching at any port of the United States on its voyage to any foreign port or place. But Chinese laborers or persons on such vessel shall not be permitted to land, except in case of necessity, and must depart with the vessel on leaving port.

Vessel in distress or touching at port.

SEC. 11. That any person who shall knowingly and falsely alter or substitute any name for the name written in any certificate herein required, or forge such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, and any person other than the one to whom a certificate was issued who shall falsely present any such certificate, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars and imprisoned in a penitentiary for a term of not more than five years.

Forgery of certificate.

Penalty.

\* \* \* \* \*

SEC. 13. That any Chinese person, or person of Chinese descent, found unlawfully in the United States, or its Territories, may be arrested upon a warrant issued upon a complaint, under oath, filed by any party on behalf of the United States, by any justice, judge, or commissioner of any United States court, returnable before any justice, judge, or commissioner of a United States court, or before any United States court, and when convicted, upon a hearing, and found and adjudged to be one not lawfully entitled to be or remain in the United States, such person shall be removed from the United States to the country whence he came.

Arrest of Chinese unlawfully in United States.

Deportation.

But any such Chinese person convicted before a commissioner of a United States court may, within ten days from such conviction, appeal to the judge of the district court for the district.

Appeal to judge of district court.

A certified copy of the judgment shall be the process upon which said removal shall be made, and it may be executed by the marshal of the district, or any officer having authority of a marshal under the provisions of this section.

And in all such cases the person who brought or aided in bringing such person into the United States shall be

Punishment of person aiding.

— liability for expenses of deportation.

Authority of State officers.

liable to the Government of the United States for all necessary expenses incurred in such investigation and removal; and all peace officers of the several States and Territories of the United States are hereby invested with the same authority in reference to carrying out the provisions of this act, as a marshal or deputy marshal of the United States, and shall be entitled to like compensation, to be audited and paid by the same officers.

Diplomatic and consular officers.

SEC. 14. That the preceding sections shall not apply to Chinese diplomatic or consular officers or their attendants, who shall be admitted to the United States under special instructions of the Department of Commerce and Labor, without production of other evidence than that of personal identity.

\* \* \* \* \*

Approved, September 13, 1888.

**ACT OF MAY 5, 1892.**

(27 Stat., p. 25.)

AN ACT To prohibit the coming of Chinese persons into the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Extension of period of exclusion.

That all laws now in force prohibiting and regulating the coming into this country of Chinese persons and persons of Chinese descent are hereby continued in force for a period of ten years from the passage of this act.

Deportation to China.

SEC. 2. That any Chinese person or person of Chinese descent, when convicted and adjudged under any of said laws to be not lawfully entitled to be or remain in the United States, shall be removed from the United States to China, unless he or they shall make it appear to the justice, judge, or commissioner before whom he or they are tried that he or they are subjects or citizens of some other country, in which case he or they shall be removed from the United States to such country: *Provided*, That in any case where such other country of which such Chinese person shall claim to be a citizen or subject shall demand any tax as a condition of the removal of such person to that country, he or she shall be removed to China.

Deportation to country other than China.

Proviso, in case of foreign tax.

Burden of proof on Chinese.

SEC. 3. That any Chinese person or person of Chinese descent arrested under the provisions of this act or the



acts hereby extended shall be adjudged to be unlawfully within the United States unless such person shall establish, by affirmative proof, to the satisfaction of such justice, judge, or commissioner, his lawful right to remain in the United States.

SEC. 4. That any such Chinese person or person of Chinese descent convicted and adjudged to be not lawfully entitled to be or remain in the United States shall be imprisoned at hard labor for a period of not exceeding one year and thereafter removed from the United States, as hereinbefore provided.

*Imprisonment. Void. See Wong Wing v. U. S., 163 U. S., 228.*

SEC. 5. That after the passage of this act, on an application to any judge or court of the United States in the first instance for a writ of habeas corpus, by a Chinese person seeking to land in the United States, to whom that privilege has been denied, no bail shall be allowed, and such application shall be heard and determined promptly without unnecessary delay.

*Writ of habeas corpus.*

*Bail not allowed.*

SEC. 6. And it shall be the duty of all Chinese laborers within the limits of the United States at the time of the passage of this act, and who are entitled to remain in the United States, to apply to the collector of internal revenue of their respective districts, within one year after the passage of this act, for a certificate of residence, and any Chinese laborer within the limits of the United States who shall neglect, fail, or refuse to comply with the provisions of this act, or who, after one year from the passage hereof, shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States, and may be arrested by any United States customs official, collector of internal revenue or his deputies, United States marshal or his deputies, and taken before a United States judge, whose duty it shall be to order that he be deported from the United States, as hereinbefore provided, unless he shall establish clearly to the satisfaction of said judge that by reason of accident, sickness or other unavoidable cause, he has been unable to procure his certificate, and to the satisfaction of the court, and by at least one credible white witness, that he was a resident of the United States at the time of the passage of this act; and if upon the hearing it shall appear that he is so entitled to a certificate, it shall be granted upon his paying the cost.

*Registration of resident laborers. Amended by act of Nov. 3, 1893.*

*Deportation.*

*Excuses.*

**Loss of certificate.** Should it appear that said Chinaman had procured a certificate which has been lost or destroyed, he shall be detained and judgment suspended a reasonable time to enable him to procure a duplicate from the officer granting it, and in such cases the cost of said arrest and trial shall be in the discretion of the court.

**Persons not laborers.** And any Chinese person, other than a Chinese laborer, having a right to be and remain in the United States, desiring such certificate as evidence of such right, may apply for and receive the same without charge.

**Resident laborers must register.** SEC. 6 [as amended by section 1 of the act of November 3, 1893]. And it shall be the duty of all Chinese laborers within the limits of the United States who were entitled to remain in the United States before the passage of the act to which this is an amendment to apply to the collector of internal revenue of their respective districts within six months after the passage of this act for a certificate of residence; and any Chinese laborer within the limits of the United States who shall neglect, fail, or refuse to comply with the provisions of this act and the act to which this is an amendment, or who, after the expiration of said six months, shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States, and may be arrested by any United States customs official, collector of internal revenue or his deputies, United States marshal or his deputies, and taken before a United States judge, whose duty it shall be to order that he be deported from the United States, as provided in this act and in the act to which this is an amendment, unless he shall establish clearly to the satisfaction of said judge that by reason of accident, sickness, or other unavoidable cause he has been unable to procure his certificate, and to the satisfaction of said United States judge, and by at least one credible witness other than Chinese, that he was a resident of the United States on the fifth of May, eighteen hundred and ninety-two; and if, upon the hearing, it shall appear that he is so entitled to a certificate, it shall be granted upon his paying the cost.

**Arrest.**

**Deportation.**

**Excuses.**

**Loss of certificates.** Should it appear that said Chinaman had procured a certificate which has been lost or destroyed, he shall be detained and judgment suspended a reasonable time to enable him to procure a duplicate from the officer granting it, and in such cases the cost of said arrest and trial shall

be in the discretion of the court; and any Chinese person, Persons other than laborers. other than a Chinese laborer, having a right to be and remain in the United States, desiring such certificate as evidence of such right, may apply for and receive the same without charge; and that no proceedings for a violation Proceedings under former act discontinued. of the provisions of said section six of said act of May fifth, eighteen hundred and ninety-two, as originally enacted, shall hereafter be instituted, and that all proceedings for said violation now pending are hereby discontinued:

*Provided*, That no Chinese person heretofore convicted Felons can not register. in any court of the States or Territories or of the United States of a felony shall be permitted to register under the provisions of this act; but all such persons who are now Deportation. subject to deportation for failure or refusal to comply with the act to which this is an amendment shall be deported from the United States as in said act and in this act provided, upon any appropriate proceedings now pending or which may be hereafter instituted.

SEC. 7. That immediately after the passage of this act, Secretary of Commerce and Labor to prescribe rules and forms. the Secretary of Commerce and Labor shall make such rules and regulations as may be necessary for the efficient execution of this act, and shall prescribe the necessary forms and furnish the necessary blanks to enable collectors of internal revenue to issue the certificates required hereby, and make such provisions that certificates may be procured in localities convenient to the applicants.

Such certificates shall be issued without charge to the applicant, and shall contain the name, age, local residence and occupation of the applicant, and such other description of the applicant as shall be prescribed by the Secretary of Commerce and Labor, and a duplicate thereof shall be filed in the office of the collector of internal revenue for the district within which such Chinaman makes application. Contents of certificates.

SEC. 8. That any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate or forge such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in such certificate, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars or imprisoned in the penitentiary for a term of not more than five years. Forgery.

\* \* \* \* \*

Approved, May 5, 1892.

**ACT OF FEBRUARY 15, 1893.**

(27 Stat., pp. 449-452.)

AN ACT Granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service.

\* \* \* \* \*

Measures to prevent introduction of infectious and contagious diseases.

SEC. 7. That whenever it shall be shown to the satisfaction of the President that by reason of the existence of cholera or other infectious or contagious diseases in a foreign country there is serious danger of the introduction of the same into the United States, and that notwithstanding the quarantine defense this danger is so increased by the introduction of persons or property from such country that a suspension of the right to introduce the same is demanded in the interest of the public health, the President shall have power to prohibit, in whole or in part, the introduction of persons and property from such countries or places as he shall designate and for such period of time as he may deem necessary.

\* \* \* \* \*

Approved, February 15, 1893.

**ACT OF NOVEMBER 3, 1893.**

(28 Stat., p. 7.)

AN ACT To amend an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May fifth, eighteen hundred and ninety-two.

[Section 1 reenacted, with amendments, section 6 of the act of May 5, 1892, and the amended section is printed with the act of May 5, 1892, ante.]

"Laborer" defined.

SEC. 2. The words "laborer" or "laborers," wherever used in this act, or in the act to which this is an amendment, shall be construed to mean both skilled and unskilled manual laborers, including Chinese employed in mining, fishing, huckstering, peddling, laundrymen, or those engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation.

"Merchant" defined.

The term "merchant," as employed herein and in the acts of which this is amendatory, shall have the following meaning and none other: A merchant is a person engaged in buying and selling merchandise, at a fixed place of business, which business is conducted in his name, and who during the time he claims to be engaged as a merchant, does not engage in the performance of any manual

labor, except such as is necessary in the conduct of his business as such merchant.

Where an application is made by a Chinaman for entrance into the United States on the ground that he was formerly engaged in this country as a merchant, he shall establish by the testimony of two credible witnesses other than Chinese the fact that he conducted such business as hereinbefore defined for at least one year before his departure from the United States, and that during such year he was not engaged in the performance of any manual labor, except such as was necessary in the conduct of his business as such merchant, and in default of such proof shall be refused landing.

Evidence to establish former status of merchant.

Such order of deportation shall be executed by the United States marshal of the district within which such order is made, and he shall execute the same with all convenient dispatch; and pending the execution of such order such Chinese person shall remain in the custody of the United States marshal, and shall not be admitted to bail.

Execution of order of deportation.

Bail not allowed.

The certificate herein provided for shall contain the photograph of the applicant, together with his name local residence and occupation, and a copy of such certificate, with a duplicate of such photograph attached, shall be filed in the office of the United States collector of internal revenue of the district in which such Chinaman makes application.

Photograph of resident.

Such photographs in duplicate shall be furnished by each applicant in such form as may be prescribed by the Secretary of Commerce and Labor.

Duplicate photographs.

Approved, November 3, 1893.

**JOINT RESOLUTION OF DECEMBER 7, 1893.**

(28 Stat., p. 575.)

JOINT RESOLUTION Providing for the payment of salaries and expenses of additional Deputy Collectors of Internal Revenue to carry out the provisions of the Chinese Exclusion Act of May fifth, eighteen hundred and ninety-two, as amended by the Act of November third, eighteen hundred and ninety-three.

\* \* \* \* \*

*Provided,* That collectors of internal revenue shall not receive any fee or other compensation for the registration, and issuance of certificates of residence to, Chinese laborers who are entitled to remain in the United States under the provisions of the said laws.

No fees to collectors for registration or certificates.

Approved December 7, 1893.

**ACT OF AUGUST 18, 1894.**

(28 Stat., pp. 372-390.)

AN ACT Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes.

\* \* \* \* \*

Finality of decision.

In every case where an alien is excluded from admission into the United States under any law or treaty now existing or hereafter made, the decision of the appropriate immigration or customs officers, if adverse to the admission of such alien, shall be final, unless reversed on appeal to the Secretary of Commerce and Labor.

\* \* \* \* \*

Approved, August 18, 1894.

**JOINT RESOLUTION OF JULY 7, 1898.**

(30 Stat., p. 751.)

Hawaiian Islands.

\* \* \* There shall be no further immigration of Chinese into the Hawaiian Islands, except upon such conditions as are now or may hereafter be allowed by the laws of the United States; and no Chinese, by reason of anything herein contained, shall be allowed to enter the United States from the Hawaiian Islands.

No Chinese to enter U. S. from Hawaiian Islands.

**ACT OF APRIL 30, 1900.**

(31 Stat., pp. 141-161.)

AN ACT To provide a government for the Territory of Hawaii.

\* \* \* \* \*

Registration of Chinese in Hawaii.

SEC. 101. That Chinese in the Hawaiian Islands when this act takes effect may within one year thereafter obtain certificates of residence as required by "An Act to prohibit the coming of Chinese persons into the United States," approved May fifth, eighteen hundred and ninety-two, as amended by an Act approved November third, eighteen hundred and ninety-three, entitled "An Act to amend an Act entitled 'An Act to prohibit the coming of Chinese persons into the United States,' approved May fifth, eighteen hundred and ninety-two," and until the expiration of said year shall not be deemed to be unlawfully in the United States if found therein without such certificates: *Provided, however,* That no Chinese

laborer, whether he shall hold such certificate or not, shall be allowed to enter any State, Territory, or District of the United States from the Hawaiian Islands.

\* \* \* \* \*

Approved, April 30, 1900.

**ACT OF JUNE 6, 1900.**

(31 Stat., pp. 588-611.)

AN ACT Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes.

\* \* \* and hereafter the Commissioner-General of Immigration, in addition to his other duties, shall have charge of the administration of the Chinese exclusion law and of the various acts regulating immigration into the United States, its Territories, and the District of Columbia, under the supervision and direction of the Secretary of Commerce and Labor.

Commissioner-General of Immigration shall administer Chinese exclusion laws.

\* \* \* \* \*

Approved, June 6, 1900.

**ACT OF MARCH 3, 1901.**

(31 Stat., p. 1093.)

AN ACT Supplementary to an act entitled "An Act to prohibit the coming of Chinese persons into the United States," approved May fifth, eighteen hundred and ninety-two, and fixing the compensation of commissioners in such cases.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be lawful for the district attorney of the district in which any Chinese person may be arrested for being found unlawfully within the United States, or having unlawfully entered the United States, to designate the United States commissioner within such district before whom such Chinese person shall be taken for a hearing.

United States attorneys to designate commissioner before whom Chinese shall be tried.

SEC. 2. That a United States commissioner shall be entitled to receive a fee of five dollars for hearing and deciding a case arising under the Chinese-exclusion laws.

United States commissioners' fees.

SEC. 3. That no warrant of arrest for violations of the Chinese-exclusion laws shall be issued by United States commissioners excepting upon the sworn complaint of a

By whom complaint against Chinese may be made.

United States district attorney, assistant United States district attorney, collector, deputy collector, or inspector of customs, immigration inspector, United States marshal, or deputy United States marshal, or Chinese inspector, unless the issuing of such warrant of arrest shall first be approved or requested in writing by the United States district attorney of the district in which issued.

SEC. 4. That this act shall take effect immediately.

Approved, March 3, 1901.

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**ACT OF APRIL 29, 1902.**

(32 Stat., part 1, p. 176.)

AN ACT To prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent.

Laws reenacted without limitation.

SECTION 1 [as amended and reenacted by section 5 of the deficiency act of April 27, 1904, 33 Stat., pp. 394-428]. All laws in force on the twenty-ninth day of April, nineteen hundred and two, regulating, suspending, or prohibiting the coming of Chinese persons or persons of Chinese descent into the United States, and the residence of such persons therein, including sections five, six, seven, eight, nine, ten, eleven, thirteen, and fourteen of the Act entitled "An Act to prohibit the coming of Chinese laborers into the United States," approved September thirteenth, eighteen hundred and eighty-eight, be, and the same are hereby, reenacted, extended, and continued, without modification, limitation, or condition; and said laws shall also apply to the island territory under the jurisdiction of the United States, and prohibit the immigration of Chinese laborers, not citizens of the United States, from such island territory to the mainland territory of the United States, whether in such island territory at the time of cession or not, and from one portion of the island territory of the United States to another portion of said island territory: *Provided, however,* That said laws shall not apply to the transit of Chinese laborers from one island to another island of the same group; and any islands within the jurisdiction of any State or the district of Alaska shall be considered a part of the mainland under this section.

*Proviso.*  
Transit permitted in insular possessions.



SEC. 2. That the Secretary of Commerce and Labor is hereby authorized and empowered to make and prescribe, and from time to time to change, such rules and regulations not inconsistent with the laws of the land as he may deem necessary and proper to execute the provisions of this Act and of the Acts hereby extended and continued and of the treaty of December eighth, eighteen hundred and ninety-four, between the United States and China, and with the approval of the President to appoint such agents as he may deem necessary for the efficient execution of said treaty and said Acts.

Secretary of  
Commerce and  
Labor to pre-  
scribe rules and  
regulations, and  
appoint agents.

SEC. 3. That nothing in the provisions of this Act or any other Act shall be construed to prevent, hinder, or restrict any foreign exhibitor, representative, or citizen of any foreign nation, or the holder, who is a citizen of any foreign nation, of any concession or privilege from any fair or exposition authorized by Act of Congress from bringing into the United States, under contract, such mechanics, artisans, agents, or other employees, natives of their respective foreign countries, as they or any of them may deem necessary for the purpose of making preparation for installing or conducting their exhibits or of preparing for installing or conducting any business authorized or permitted under or by virtue of or pertaining to any concession or privilege which may have been or may be granted by any said fair or exposition in connection with such exposition, under such rules and regulations as the Secretary of Commerce and Labor may prescribe, both as to the admission and return of such person or persons.

Admission of  
Chinese to take  
part in exhibi-  
tions.

SEC. 4. That it shall be the duty of every Chinese laborer, other than a citizen, rightfully in, and entitled to remain in any of the insular territory of the United States (Hawaii excepted) at the time of the passage of this Act, to obtain within one year thereafter a certificate of residence in the insular territory wherein he resides, which certificate shall entitle him to residence therein, and upon failure to obtain such certificate as herein provided he shall be deported from such insular territory; and the Philippine Commission is authorized and required to make all regulations and provisions necessary for the enforcement of this section in the Philippine Islands, including the form and substance of the certificate of residence so that the same shall clearly and sufficiently identify the holder thereof and enable officials

Registration of  
Chinese in Phil-  
ippine Islands.

to prevent fraud in the transfer of the same: *Provided, however,* That if said Philippine Commission shall find that it is impossible to complete the registration herein provided for within one year from the passage of this Act, said Commission is hereby authorized and empowered to extend the time for such registration for a further period not exceeding one year.

Approved, April 29, 1902.

### ACT OF FEBRUARY 14, 1903.

(32 Stat., p. 825.)

AN ACT To establish the Department of Commerce and Labor.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

That there shall be at the seat of government an executive department to be known as the Department of Commerce and Labor, and a Secretary of Commerce and Labor, who shall be the head thereof; \* \* \* and section one hundred and fifty-eight of the Revised Statutes is hereby amended to include such Department, and the provisions of title four of the Revised Statutes, including all amendments thereto, are hereby made applicable to said Department. The said Secretary shall cause a seal of office to be made for the said Department of such device as the President shall approve, and judicial notice shall be taken of the said seal.

Department of  
Commerce and  
Labor created.

Examination  
of accounts.

SEC. 2. \* \* \*, and the Auditor for the State and other Departments shall receive and examine all accounts of salaries and incidental expenses of the office of the Secretary of Commerce and Labor, and of all bureaus and offices under his direction, all accounts relating to \* \* \* immigration \* \* \* and to all other business within the jurisdiction of the Department of Commerce and Labor, and certify the balances arising thereon to the Division of Bookkeeping and Warrants and send forthwith a copy of each certificate to the Secretary of Commerce and Labor.

\* \* \* \* \*

Transfer of Bureau of Immigration and immigration service to the Department of Commerce and Labor.

SEC. 4. That the following-named offices, bureaus, divisions, and branches of the public service, now and heretofore under the jurisdiction of the Department of the Treasury, and all that pertains to the same, known as \* \* \* the Commissioner-General of Immigration,

the commissioners of immigration, the Bureau of Immigration, the immigration service at large, \* \* \* be, and the same hereby are, transferred from the Department of the Treasury to the Department of Commerce and Labor, and the same shall hereafter remain under the jurisdiction and supervision of the last-named Department; \* \* \*

SEC. 7. That the jurisdiction, supervision and control now possessed and exercised by the Department of the Treasury over the \* \* \* immigration of aliens into the United States, its waters, territories and any place subject to the jurisdiction thereof, are hereby transferred and vested in the Department of Commerce and Labor: *Provided*, That nothing contained in this Act shall be construed to alter the method of collecting and accounting for the head-tax prescribed by section one of the Act entitled "An Act to regulate immigration," approved August third, eighteen hundred and eighty-two. That the authority, power and jurisdiction now possessed and exercised by the Secretary of the Treasury by virtue of any law in relation to the exclusion from and the residence within the United States, its territories and the District of Columbia, of Chinese and persons of Chinese descent, are hereby transferred to and conferred upon the Secretary of Commerce and Labor, and the authority, power and jurisdiction in relation thereto now vested by law or treaty in the collectors of customs and the collectors of internal revenue, are hereby conferred upon and vested in such officers under the control of the Commissioner-General of Immigration, as the Secretary of Commerce and Labor may designate therefor.

Authority to enforce Chinese exclusion laws vested in the Secretary of Commerce and Labor.

\* \* \* \* \*

SEC. 13. That this Act shall take effect and be in force from and after its passage: *Provided, however*, That the provisions of this Act other than those of section twelve in relation to the transfer of any existing office, bureau, division, officer or other branch of the public service or authority now conferred thereon, to the Department of Commerce and Labor shall take effect and be in force on the first day of July, nineteen hundred and three, and not before.

Approved, February 14, 1903.

## ACT OF FEBRUARY 6, 1905.

(33 Stat., pp. 689-692.)

AN ACT To amend an Act approved July first, nineteen hundred and two, entitled "An Act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an Act approved March eighth, nineteen hundred and two, entitled "An Act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an Act approved March second, nineteen hundred and three, entitled "An Act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes.

\* \* \* \* \*

Administration of immigration laws in Philippine Islands. SEC. 6. That the immigration laws of the United States in force in the Philippine Islands shall be administered by the officers of the general government thereof designated by appropriate legislation of said government, and all moneys collected under said laws as duty or head tax on alien immigrants coming into said islands shall not be covered into the general fund of the Treasury of the United States, but shall be paid into the treasury of said islands to be used and expended for the government and benefit of said islands.

\* \* \* \* \*

Approved, February 6, 1905.

## ACT OF MARCH 3, 1905.

(33 Stat., pp. 1214-1244.)

The "Act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1905, and for prior years, and for other purposes," approved March 3, 1905, under the head, "Department of Commerce and Labor," provides as follows:

Payment of expenses of aliens detained as witnesses. "Provided, That the necessary expenses incident to the detention of aliens ordered deported, whose attendance as witnesses is required in behalf of the United States in prosecutions arising under the immigration laws, may be paid from the permanent appropriation for 'Expenses of Regulating Immigration.'"

(Supplementing section 19, Immigration Act of March 3, 1903.)

# EXECUTIVE ORDER OF THE GOVERNOR OF THE PHILIPPINE ISLANDS.

GOVERNMENT OF THE PHILIPPINE ISLANDS,  
EXECUTIVE BUREAU,  
*Manila, P. I., September 23, 1904.*

EXECUTIVE ORDER }  
No. 38. }

Whereas the Department of Commerce and Labor of the United States has, under date of July twenty-seventh, nineteen hundred and three, issued a certain rule to regulate the admission of Chinese persons from the Philippine Islands into the mainland territory of the United States and into the insular possessions of the United States other than the Philippine Islands, which said rule is as follows:

“RULE 61. [Since the issuance of this order this rule has been amended; reference should therefore be had to Rule 38, p. 48.] In view of the provisions of section 1 of the act approved April 29, 1902, it will be necessary for Chinese persons of the classes mentioned in article 3 of the convention of December 8, 1894, who are resident in [*citizens of*] the insular territory of the United States, to comply with the terms of section 6 of the act approved July 5, 1884, and for this purpose the permission of such persons to go from one insular territory to another insular territory of the United States, or from such insular territory to the mainland territory of the United States, shall be granted by an officer designated for that purpose by the chief executives of said insular territories, respectively, and the duties imposed by section 6 of the act approved July 5, 1884, upon United States diplomatic and consular officers in foreign countries in relation to Chinese persons of the said classes shall be discharged by the chief officers in charge of the enforcement of the Chinese exclusion-acts at the ports, respectively, from which any members of such excepted classes intend to depart from any insular territory of the United States.”

Executive order of Governor of Philippine Islands.

Regulations governing departure from and admission to Philippines of Chinese of exempt classes.

And whereas it is the desire of the government of the Philippine Islands to afford to such eligible Chinese persons, residents of these islands, as desire to depart out of the same for other parts or possessions of the United States, the privilege so to do and to give evidence of such permission and of the status of each person so permitted in the manner now required by law in the case of Chinese persons departing out of a foreign country as nearly as may be: Now, therefore,

W. Morgan Shuster, collector of customs for the Philippine Islands, is hereby designated to grant such permission in the name of the government of the Philippine Islands, to all such Chinese persons as shall have duly established to his satisfaction their eligibility under the law to enter the mainland territory of the United States, or any other of its insular possessions.

This permission and the prima facie establishment of the facts showing eligibility, shall be evidenced by a certificate signed and approved by him in analogy to the certificate required by section six of the act of Congress of July fifth, eighteen hundred and eighty-four, and referred to in rule sixty-one above quoted.

It is further ordered that in the case of Chinese persons coming from the other insular possessions of the United States to the Philippine Islands, bearing certificates issued in pursuance of said rule sixty-one above mentioned, they shall be accorded at the ports of the Philippine Islands, the same rights of entry as they would have had they come possessed of similar certificates issued by a foreign government.

LUKE E. WRIGHT,  
*Civil Governor.*

## REGULATIONS GOVERNING THE ADMISSION OF CHINESE.

(Approved February 26, 1907.)

**RULE 1.** Under the provisions of the treaty and laws in relation to the exclusion of Chinese persons, only those who are teachers, students, travelers for curiosity or pleasure, merchants and their lawful wives and minor children, officials of the Chinese Government together with their body and household servants, Chinese persons registered under the laws of the United States, seamen, as provided in Rule 32; those seeking in good faith to pass through the country to foreign territory, as provided in Rules 33 and 37; and persons whose physical condition necessitates immediate hospital treatment, shall be permitted to land under said laws at any port of the United States.

Admissible classes.

**RULE 2.** Only those Chinese persons who are expressly declared by the treaty and laws relating to the exclusion of Chinese to be admissible shall be allowed to enter the United States, and those only upon compliance with the requirements of said treaty and laws and of regulations issued thereunder. (22 Op. At. Gen., 132.) If the Chinese person has been born in the United States, of parents who at the time of his birth have a permanent domicile and residence in the United States, neither the immigration acts nor the Chinese exclusion acts prohibiting persons of the Chinese race, and especially Chinese laborers, from coming into the United States apply to such person. (169 U. S., 653-705.)

Only those specially exempted admissible.

Exclusion laws not applicable to persons of American birth.

**RULE 3.** Chinese aliens shall be examined as to their right to admission to the United States under the provisions of the laws regulating immigration as well as under the laws in relation to the exclusion of Chinese persons. (24 Op. At. Gen., 706.)

Immigration laws apply to Chinese.

**RULE 4.** No Chinese person, other than a Chinese diplomatic or consular officer and attendants, shall be per-

Ports of entry.

mitted to enter the United States except at the ports of San Francisco; Portland, Oreg.; Boston; New York; New Orleans; Port Townsend; Richford, Vt.; Malone, N. Y.; Portal, N. Dak.; Sumas, Wash.; Honolulu, Hawaii; San Juan and Ponce, P. R.; San Diego, Cal., and Tampa, Fla.

Applicants for admission to be examined promptly.

RULE 5. Immediately upon the arrival of Chinese persons at any port mentioned in Rule 4 it shall be the duty of the officer in charge of the administration of the Chinese exclusion laws to have said Chinese persons examined promptly, as by law provided, touching their right to admission; and to permit to land those proving such right: *Provided*, That nothing contained in these regulations shall be construed to authorize the boarding of vessels of foreign navies arriving at ports of the United States for the purpose of enforcing the provisions of the Chinese exclusion laws.

Examination of applicants.

RULE 6. The examination prescribed in Rule 5 shall be separate and apart from the public, in the presence of Government officials and such witness or witnesses only as the examining officer shall designate: *Provided, however*, That all witnesses presenting themselves on behalf of any Chinese applicant be fully heard. If upon the conclusion of the hearing the Chinese applicant is adjudged to be inadmissible, he shall be advised of his right to appeal by a notice written or printed in the Chinese language, and his counsel shall be permitted, after notice of appeal has been duly filed, to examine and make copies of the evidence upon which the excluding decision is based. If there is a consular officer of China at port where examination is held, he also shall be notified in writing that the said Chinese applicant has been refused a landing, and shall be permitted to examine the record.

Not considered landed until lawfully landed.

RULE 7. Every Chinese person permitted to land from a vessel for examination at some designated port or for immediate hospital treatment, as provided in Rule 1, shall be considered as still on shipboard until finally and lawfully landed, so far as relates to his admission to the United States and so far as relates to the responsibility of the master, agent, or owner of such vessel for his safeguarding, maintenance, and hospital expenses.

Steamships to give notice of sailings.

RULE 8. The master, agent, or owner of any vessel or other means of transportation by which Chinese persons are brought to any port of entry named in Rule 4 shall, at least twenty-four hours before the intended time of the



sailing of said vessel or the departure of other vehicle of transportation, notify the chief officer in charge of the administration of the Chinese exclusion laws at said port of such sailing or departure, in order that the said officer may cause to be placed on board every Chinese person whose application for permission to land has been finally denied.

RULE 9. Every Chinese person refused admission to the United States, being actually or constructively on the vessel or other conveyance by which he was brought to a port of entry, must be returned to the country whence he came, at the expense of the transportation agency owning such vessel or conveyance.

Rejected applicants to be returned to country whence they came.

RULE 10. Every officer in charge of the enforcement of the Chinese exclusion laws at a port of entry shall cause to be kept in books, to be furnished by the Bureau of Immigration and Naturalization, complete records of every Chinese person arriving thereat, synopses of which for the next preceding month shall be forwarded upon appropriate blanks to the Commissioner-General of Immigration not later than the 10th day of each calendar month. Weekly reports upon forms furnished by the Bureau of Immigration and Naturalization must also be promptly returned.

Records to be kept at ports of entry.

RULE 11. All certificates, or other evidence, offered by Chinese persons to establish their right of admission to the United States, other than registration certificates and section 6 certificates, shall be retained by the officers in charge of the administration of the Chinese exclusion laws at ports of entry: *Provided, however,* That if the officer in charge shall have good reason to believe that any person presenting a registration certificate is not the person to whom said certificate was issued, he shall take it up and forward the same to the Commissioner-General of Immigration at Washington, together with a statement of his reasons for so doing.

Certificates and evidence to be taken up at ports of entry.

Exception.

RULE 12. Every Chinese person refused admission under the provisions of the exclusion laws by the decision of the officer in charge at the port of entry may take an appeal to the Secretary of Commerce and Labor by giving written notice thereof to the officer in charge within two days, exclusive of Sundays and legal holidays, after such decision is rendered.

Appeals—two days allowed for filing notice.

RULE 13. Notice of appeal provided for in Rule 12 shall act as a stay upon the disposal of the Chinese person

Appeals—record, etc., to be forwarded within five days.

whose case is thereby affected until a final decision is rendered by the Secretary of Commerce and Labor; and, within five days after the excluding decision is rendered, unless further delay is required to investigate and report upon new evidence, the complete record of the case, together with such briefs, affidavits, and statements as are to be considered in connection therewith, shall be forwarded to the Secretary of Commerce and Labor by the officer in charge at the port of arrival, accompanied by his views thereon in writing. If, on appeal, evidence in addition to that brought out at the hearing is submitted, it shall be made the subject of prompt investigation by the officer in charge and be accompanied by his report.

Appeals—  
additional time  
for perfecting.

RULE 14. Additional time for the preparation of cases will be allowed only when, in the judgment of the officer in charge, a literal compliance with Rule 13 would occasion injustice to the appellant or the risk of defeat of the purposes of the law. The reasons for the extension of time shall in every instance be stated in writing and forwarded with the appeal.

Return certi-  
ficates—to whom  
issued.

RULE 15. The return certificate, provided by section 7 of the act of September 13, 1888, shall be issued only to such Chinese persons as have been duly registered under the provisions of the act of May 5, 1892, or the act of November 3, 1893, and present a certificate issued thereunder, or such as have established before a court of competent jurisdiction the lawfulness of their residence in the United States and present a certified copy of the court's decision. (See Department Decision No. 109, July 31, 1906.)

Return certi-  
ficates—evidence  
on which to be  
issued.

RULE 16. Administrative officers are hereby required, in accordance with section 7 of the act of September 13, 1888, to exact of every registered Chinese laborer applying for a return certificate, not merely a statement of the ground or grounds on which such laborer claims a right thereto, but also proofs of the existence of such ground or grounds, either in the form of oral or of written testimony in detail by not less than two credible witnesses, who shall satisfy such officers that they have had opportunity to know the circumstances to which they testify. Until such proof is supplied, the investigation preliminary to granting or refusing the return certificate sought shall not be made.

RULE 17. A Chinese laborer claiming the right to be permitted to leave the United States and return thereto, under the terms of Rule 15, shall apply in person to the immigration officer whose official station is most conveniently reached from his place of residence, at least a month prior to the time of his intended departure; shall deposit with said officer a certificate of registration, or a certified copy of a decision of a court of competent jurisdiction showing that he is lawfully resident in the United States, and shall make on oath before the officer in writing a full statement descriptive of his family or property or debts, as the case may be, and fully describing himself, giving his age, name, local residence, occupation, color of eyes and complexion, and distinguishing marks, if any, and naming the port from which he expects to depart from the United States, which shall be one of those designated in Rule 4. Such written description shall be filed in duplicate, and to each shall be permanently attached a photograph of the Chinese person referred to therein. The officer with whom such certificate or certified copy of court record and written description are filed will make a thorough examination as to the accuracy of the descriptive statement, whether the photograph accompanying the latter for the purpose of identification is that of the person described in such certificate or certified copy of court record and statement, and whether his height and descriptive physical marks are accurately given, and will then write his official signature in part across such photograph and in part upon the adjoining portion of the written descriptive statement, to prevent substitution. The said officer will also transmit the certificate of registration to the Commissioner-General of Immigration, for comparison with the record thereof in his office, in respect not only to name and date therein, but in all other particulars, or the certified copy of court record to the clerk of the court by whom issued for verification. At the same time the said officer will, in person, or through an immigrant or Chinese inspector, make thorough investigation as to the facts stated by the applicant. As soon as practicable thereafter the said officer will transmit the certificate or certified copy of court record, one copy of the sworn statement, and the reports of investigation to the officer in charge at the port from which such Chinese laborer intends to depart from the United States, and at the same time will transmit to said Chinese laborer the

Laborer's return certificate—investigation incident to issue of.

duplicate copy of the sworn statement, with instructions to present the same in person to the officer in charge at the port of departure. Upon the receipt of such certificate or certified copy of court record, the duplicate copy of said sworn statement, and the reports of investigation, the officer in charge, or his deputy at said port of departure, after one month from the date of filing of the original application with the officer who investigated the case (or sooner if it is evident that the intent of the law—a thorough investigation of the case—has been met), if he finds that the person presenting such duplicate statement is the Chinese person therein described and is entitled thereto, may sign and give to such person on his departure from said port a certificate containing the number of the description referred to, in the following form:

No. —.

UNITED STATES OF AMERICA.

*Certificate issued to Chinese laborer departing from the United States with the intention of returning thereto.*

This is to certify that —, a Chinese laborer, described in identification paper numbered —, port of —, departed from this port for —, on this — day of —, 190—, with the avowed intention of returning to the United States via this port within twelve months from said date.

Given under my hand and seal this — day of —, 190—, at —, State of —.

[SEAL.]

—, —,  
*Officer in Charge, Port of —, District of —.*

If the last-named certificate be transferred, it shall become void, and the person to whom it was given by the officer in charge shall forfeit his right to return to the United States.

The certified description shall be carefully preserved by the officer in charge at the port of exit as a means of identification of the Chinese person therein mentioned, who must return via the port of departure within one year from the date of his leaving the United States, unless prevented by sickness or other disability beyond his control.

The officer who conducts the above-mentioned investigation will furnish the officer in charge of the district in which the Chinese laborer resides with a copy of the report forwarded by him to the officer in charge at the port of departure.

**RULE 18.** Every departing Chinese laborer who has been furnished with a return certificate under the provisions of section 7 of the act approved September 13, 1888, must be informed by the officer by whom such certificate is granted that upon his return to the port of departure, as a prerequisite to admission, there must exist one of the grounds recited in section 6 of said act to entitle him to admission after a temporary absence from the United States. Officers of the Department of Commerce and Labor must be certain that every departing Chinese laborer fully understands the law in this particular.

Laborers, when departing, must be advised that conditions must remain unchanged to entitle them to re-admission.

**RULE 19.** The officer issuing a return certificate to a departing laborer shall at the time of such issuance furnish said laborer with the following notice (properly filled out) and attached form of letter for his use in sending information of his intended return:

Laborers—ad-interim investigation of status of.

OFFICE OF \_\_\_\_\_,  
 PORT OF \_\_\_\_\_,  
 (Date) \_\_\_\_\_, 19—.

SIR: In accordance with Rule 19 of regulations issued by the Secretary of Commerce and Labor, you are hereby informed that, in order to avoid the risk of a possibly fruitless voyage, you should, at least ninety days and not exceeding four months prior to your intended return to this port, notify the undersigned officer of the approximate date of such return, giving your name and foreign address on the subjoined blank form, and stating the ground or grounds on which you claim the right to admission to the United States, as well as the occasion of your delay, if there has been such delay, in returning beyond one year from the time of your departure. An investigation of your case will, on receipt of such notification, be promptly made and you will be formally advised of the result thereof by a letter sent to the foreign address given.

Respectfully, (Name of Officer) \_\_\_\_\_,  
 (Title of Officer) \_\_\_\_\_.

(Address) \_\_\_\_\_,  
 (Date) \_\_\_\_\_, 19—.

OFFICER IN CHARGE ENFORCEMENT CHINESE EXCLUSION LAWS,  
 Port of \_\_\_\_\_.

SIR: In compliance with the above notification, delivered to me prior to my departure from the United States, you are informed that I intend to return thereto through your port, per steamship \_\_\_\_\_, on or about \_\_\_\_\_, 19—.

I was granted return certificate No. \_\_\_\_\_, dated \_\_\_\_\_, 19—, and departed from your port per steamship \_\_\_\_\_ on \_\_\_\_\_, 19—.

I claim the right of admission because I have in the United States (either):

A father, named \_\_\_\_\_, or mother, named \_\_\_\_\_, residing at \_\_\_\_\_; a child (or children), named \_\_\_\_\_.

A lawful wife, named \_\_\_\_\_, residing at \_\_\_\_\_, to whom I was married on the \_\_\_\_\_ day of \_\_\_\_\_, and with whom I have continuously cohabited since the said marriage.

The following property of the clear, unnumbered value of \$\_\_\_\_\_:

The following bona fide debts due me and pending settlement, and not evidenced by promissory notes or other similar acknowledgments of ascertained liability, and not colorably acquired for the purpose of evading the law:

Due from \_\_\_\_\_, \$\_\_\_\_\_.

Due from \_\_\_\_\_, \$\_\_\_\_\_.

Address of debtors, \_\_\_\_\_.

I respectfully request that my claims be preinvestigated and that I may be notified at the above address before \_\_\_\_\_, 19\_\_\_\_, whether I will be permitted to reenter the United States.

I was delayed \_\_\_\_\_ days \_\_\_\_\_ months beyond the year after my departure by \_\_\_\_\_, and will submit the evidence thereof required by the law and regulations.

Respectfully,

(Name) \_\_\_\_\_.

At the same time there should be delivered to the departing Chinese laborer a copy of Department Form No. 423, "Instructions, in Chinese, to return notices issued under Rules 19 and 28," and an envelope addressed to the officer in charge at the port of departure for use by the Chinese laborer when forwarding the above-mentioned notice of intention to return.

Return certificates—disposition of duplicates and stubs of.

**RULE 20.** The officer in charge at the port of departure shall send a copy of the certified description, with photograph of the person therein named attached, and also one of the stubs hereinafter mentioned, to the Commissioner-General of Immigration; said stub and said copy of the certified description shall be filed together.

Certificates as above described, with a serial number attached, will be issued to officers in charge at ports from which Chinese depart upon application therefor to the Commissioner-General of Immigration. In all instances officers in charge will fill out the blanks on the stubs of the certificates. Officers in charge will submit to the Commissioner-General of Immigration weekly reports of Chinese persons departing from and returning to their respective ports, debiting themselves with the number of certificates received from the Department, crediting themselves with the number used, and reporting the number

remaining on hand. The officers in charge shall cancel all return certificates presented on admission of returning Chinese and forward said certificates so canceled to the Commissioner-General of Immigration.

Return certificates to be canceled.

**RULE 21.** It shall be the duty of the officer in charge at the port of entry to register and make a record of each Chinese laborer arriving at or departing from said port, which record shall show the individual, family, and tribal name in full; age; occupation, when and where followed; last place of residence; physical marks or peculiarities, and a full description of his person, together with such other pertinent information as may assist in the identification or investigation of such person in case of his returning to the United States. A duplicate of the record of such registry shall be transmitted to the Commissioner-General of Immigration for every vessel or railway train transporting Chinese laborers to the United States.

Laborers—record of, departing and returning.

**RULE 22.** Upon the arrival of any returning Chinese laborer at a port of the United States designated in Rule 4, he shall exhibit his return certificate to the officer in charge of the enforcement of the Chinese exclusion laws at said port, and if the evidence already secured in such a case establishes the right of such returning Chinese laborer to admission, and is not controverted, he shall at once be admitted, but otherwise he shall be refused admission until he establishes his right thereto.

Laborers—re-admission of, upon return certificates.

**RULE 23.** If a returning Chinese laborer is admitted, his certificate of residence or certified copy of court record, which must have been left with the officer who granted him a return certificate, shall be returned to him and the said return certificate be taken up. After indorsing upon such return certificate his action in the case and the date thereof, the officer in charge shall forward it to the Commissioner-General of Immigration, accompanied, if the Chinese applicant is denied admission, by said laborer's certificate of residence.

Laborers—return of registration certificates to, upon readmission.

**RULE 24.** Whenever a Chinese laborer holding a return certificate is detained by his sickness or by other disability beyond his control for a time in excess of one year after the date of his departure from the United States, the facts shall be fully reported to and investigated by the consular representative of the United States at the port or place from which such laborer departs for the United States, and such consular representative shall certify, to the satisfaction of the officer in charge at the

Laborers, returning—over time—United States consular officers to certify regarding.

port of return, which must be the port from which such laborer departed, that he has fully investigated the statements of such laborer and believes that he was unavoidably detained for the time specified and for the reason stated, such certificate to be delivered by such consular representative to the master of the vessel on which the Chinese laborer departs for the United States and by the master delivered to the officer in charge at the port of return.

Consular officer's certificate to be delivered to master of vessel on which laborer returns.

Merchants, domiciled—in-vestigation of status prior to departure.

**RULE 25.** Every Chinese merchant resident within the United States who desires to go abroad temporarily, to avoid unnecessary delay in securing admission upon his return, may transmit to the officer in charge of the district wherein the mercantile establishment is located, not less than thirty days prior to the date on which he intends to depart, affidavits of two credible witnesses, other than Chinese, showing said merchant's actual ownership, in whole or in part, of an established mercantile business in this country, the amount of his interest therein, the nature of his personal employment in conducting said business, and that during the entire year antecedent to the date of such affidavits he engaged in no manual labor except such as was necessarily incident to the conduct of said business. It shall be the duty of said officer in charge to make a thorough investigation of the statements contained in the affidavits and, on completion thereof, forward the report of such investigation, together with his views thereon, to the officer in charge at the intended port of departure from the United States. If the last-mentioned officer is satisfied of the truth of the statements contained in the above-mentioned affidavits, he may indorse thereon over his signature his finding to that effect, coupled with a statement that the said Chinese merchant will, on his return to the port of departure, and proper identification, be permitted to enter the United States, unless some of said statements should subsequently be shown to be false: *Provided, however,* That said merchant still retains, unchanged, the mercantile interest owned by him at the time of his departure.

Indorsement of status upon papers.

Status must remain unchanged to entitle to readmission.

Merchants, domiciled — visits to contiguous foreign territory.

**RULE 26.** Every Chinese merchant resident within the United States, who desires to make a visit to contiguous foreign territory, may do so by complying with the provisions of Rule 25, except that the affidavits mentioned therein need not be transmitted to the officer in charge thirty days prior to the date on which he intends to depart. In cases



where his mercantile status has been prima facie determined, either before or after his departure, and he applies for readmission to the United States within four months from the date of departure, he may make application for admission on identification, without further investigation.

RULE 27. Chinese persons applying for admission upon the ground of having been domiciled in the United States as merchants shall be required to establish, to a reasonable certainty, that they are actually owners of the business claimed or members of the firm owning such business, with proof of the amounts actually paid for their respective interests, the times at which such payments were made, and, if residents of the United States during the period of registration, whether they failed to register, and, if so, the reason therefor.

RULE 28. As an additional means of securing prompt action upon the case of every Chinese person seeking admission as a returning merchant, as well as to save him the risk of a possible fruitless voyage, the officer shall, at the time of departure of every such Chinese person, whose case has not already been investigated under Rule 25, furnish him with the following notice (properly filled out) and attached form of letter for his use in sending notification of his intended return:

OFFICE OF \_\_\_\_\_,  
 PORT OF \_\_\_\_\_,  
 (Date) \_\_\_\_\_, 19—.

SIR: In accordance with Rule 28 of the Regulations of the Department of Commerce and Labor for the enforcement of Chinese Exclusion Laws, you are hereby notified that, in order to avoid as far as possible the risk of making an unnecessary trip which would result from a failure to establish your right to admission, you should, at least ninety days and not exceeding four months prior to your intended arrival at this port, notify the undersigned officer of your intention to return, the approximate date thereof, giving your name and foreign address, and a statement of your claims to the right of admission, on the subjoined blank. You may now, or within the time above mentioned, submit the evidence required by law to establish your mercantile status. The said claims will, on receipt of such notice, be promptly investigated and a formal notification of the result of such investigation will be sent to you at the address given. This decision is not final, and you are not precluded, if such result is adverse, from obtaining upon your arrival at a port of the United States a further investigation of your claims.

Respectfully,

(Name of officer) \_\_\_\_\_,  
 (Title of officer) \_\_\_\_\_.

Merchants,  
 domiciled, re-  
 turning—proof  
 of status requir-  
 ed.

Merchants,  
 domiciled, re-  
 turning—ad in-  
 terim investiga-  
 tion of status of.

(Address) \_\_\_\_\_,

(Date) \_\_\_\_\_, 19—.

OFFICER IN CHARGE ENFORCEMENT CHINESE EXCLUSION LAWS,

Port of \_\_\_\_\_.

SIR: In compliance with the above notification, delivered to me prior to my departure from the United States, you are informed that I intend to return thereto, through your port, per \_\_\_\_\_ on or about \_\_\_\_\_, 19—.

I departed from the United States on the steamship \_\_\_\_\_, which sailed from your port on \_\_\_\_\_, 19—.

I have filed with you the evidence required by law to support my claim of right to readmission. I am a merchant and member (or proprietor) of the store (or firm) of \_\_\_\_\_, at \_\_\_\_\_, in which my interest was, and still remains, \$\_\_\_\_\_.

I respectfully request that my claim be preinvestigated, and that I may be notified before \_\_\_\_\_, 19—, at the above address, whether I will be permitted to reenter the United States, and, if so, upon what condition.

Respectfully,

(Name) \_\_\_\_\_.

Upon the receipt of such notification, the officer in charge shall make, or cause to be made, a thorough investigation of the claim therein advanced and send due notice of his conclusions in regard thereto to the applicant, who, upon arrival, shall establish his identity with the sender of the notification and submit such additional evidence as may be necessary to prove his right to admission. If the evidence previously secured shall establish the right of such applicant to admission, and is not controverted, he shall be admitted without delay, but otherwise he shall be refused admission until he shall establish his right thereto.

When delivering to the departing merchant the notice and attached form of letter above described, he should also be furnished with a copy of Department Form No. 423, "Instructions, in Chinese, to return notices issued under Rules 19 and 28," and with an envelope addressed to the officer in charge at the port of departure for use by the merchant when forwarding the notice of intention to return.

Wives and  
minor children  
of domiciled  
merchants, ad-  
mission of.

RULE 29. The Supreme Court having decided that the lawful wife and minor children of a Chinese merchant may be admitted to the United States without presenting the certificate prescribed by section 6 of the act approved July 5, 1884, the attention of administrative officers is directed to the nature of the evidence required by section 2 of the act approved November 3, 1893, to establish the right of a domiciled Chinese merchant to readmission after temporary absence from the United States, and the said officers are directed to require such evidence as will

give reasonable assurance that every Chinese applicant for admission as the lawful wife or minor child of a resident Chinese merchant sustains the actual relationship claimed to such merchant, and, in the case of a child, that such child is beyond question a minor.

RULE 30. The officers whose titles are given below have been authorized by their respective Governments to issue to Chinese subjects, or citizens, of such Governments the certificates prescribed by section 6 of the act approved July 5, 1884.

Section 6 certificates—officers designated to issue.

Brazil: Chiefs of police, or corresponding officers in the municipalities and civil subdivisions.

Canada:

Vancouver—Collector of customs.

Victoria—Collector of customs.

Ottawa—Chief controller of Chinese, or chief clerk in the department of trade and commerce.

China:

In Chinese Empire—

Acting viceroy of Hu Kuang (Hunan and Hupeh).

Acting viceroy of Sze Ch'uen.

Acting viceroy of Liang Kuang (Kuangtung and Kuanghsi).

Tartar-general of Fu-chou and customs superintendent of Fu-k'ien.

Governor of Anhui.

Governor of Hunan.

Governor of Shantung.

Governor of Kiangsi.

Customs taot'ai of Tientsin.

Taot'ai of the Hui-Ning-Ch'ih-T'ai-Kwang circuit.

Taot'ai of the Hang-chia-hu circuit.

Acting taot'ai of the Ning-Shao-T'ai circuit.

Taot'ai of the Wen-Ch'u circuit.

Taot'ai of the Yue-Ch'ang-Li circuit.

Taot'ai of the Teng-Lai-Ch'ing circuit.

Taot'ai of the Su-Sung-T'ai circuit.

In countries foreign to China—

Austria-Hungary—Chinese minister or chargé d'affaires, Vienna.

Belgium—Chinese minister or chargé d'affaires, Brussels.

Cuba—Chinese minister or chargé d'affaires, Habana.

## China—Continued.

## In countries foreign to China—Continued.

- England—Chinese minister or chargé d'affaires,  
London.
- France—Chinese minister or chargé d'affaires,  
Paris.
- Germany—Chinese minister or chargé d'affaires,  
Berlin.
- Hawaii—Chinese consul-general, Honolulu.
- Italy—Chinese minister or chargé d'affaires,  
Rome.
- Japan—Chinese minister or chargé d'affaires,  
Tokyo; Chinese consul-general, Yokohama.
- Korea—Chinese consul-general, Seoul.
- Mexico—Chinese minister or chargé d'affaires,  
Mexico City.
- Netherlands—Chinese minister or chargé d'affaires,  
The Hague.
- Peru—Chinese minister or chargé d'affaires, Lima.
- Philippine Islands—Chinese consul-general,  
Manila.
- Portugal—Chinese minister or chargé d'affaires,  
Lisbon.
- Russia—Chinese minister or chargé d'affaires,  
St. Petersburg.
- Siberia—Chinese commercial agent, Vladivostok.
- Spain—Chinese minister or chargé d'affaires,  
Madrid.
- Straits Settlements—Chinese consul-general, Sing-  
apore.
- Transvaal—Chinese consul-general, Johannes-  
burg.
- Cuba: Chief of immigration department.
- German protectorate of Kiautschou: Commissioner for  
Chinese affairs to the government, civil commissioner, or  
oberrichter.
- Guatemala: Minister of foreign affairs or subsecretary  
of state.
- Hongkong: Registrar-general.
- Japan:
- Governor of any fu (district) or ken (prefecture).  
    Hokkaido—Governor-general.  
    Formosa—Chief of prefecture having jurisdiction.
- Macau, Portuguese province of: Secretary-general.
- Mexico: Department for foreign affairs.
- Philippine Islands: Collector of customs.

Society Islands: Commissioner of police of the municipality of Papeete, Tahiti.

Straits Settlements: Colonial secretary.

Federated Malay States—Colonial secretary, federal secretary, or secretary for Chinese affairs.

Trinidad: Governor.

Venezuela: Mayors of cities or governors of provinces.

RULE 31. The certificates prescribed by section 6 of the act of July 5, 1884, on which Chinese of the exempt class are admitted to the United States, shall be indorsed by officers in charge by writing across the face thereof in red ink the fact of the admission and the date thereof. After such indorsement the certificates shall be returned to the Chinese persons.

Section 6 certificates—to be indorsed when persons presenting are admitted.

RULE 31*a*. A student within the meaning of the treaty and laws of the United States relating to the admission and exclusion of Chinese is—

Student—definition of.

(*a*) A person who pursues some regular course of study, including the higher branches of learning, but not excluding the elementary or preparatory branches, if undertaken in good faith;

(*b*) A person who attends one of the recognized educational institutions of the United States designed for those whose entire time may be given to scholastic work;

(*c*) A person who studies to be fitted for some particular profession, occupation, or calling requiring a technical or otherwise special mental training; or

(*d*) A person, already possessing a liberal education, who devotes himself to the study of special subjects or questions, as a student of manners, customs, institutions, politics, economy, history;

And who, in any case, is also a person for whose maintenance and support as a student in the United States adequate financial provision has been made or satisfactorily assured, or a person who, if he undertakes to provide for his own support, does not become a "laborer," or acquire any other status which would bring him within the class of Chinese persons excluded by statute or treaty; and who, in any case, is also a person whose intention it is, upon the conclusion of his studies, either to depart from the United States or, if he remains, to engage in no pursuit or calling which would render his presence in the United States unlawful.

RULE 32. To prevent violations of law by Chinese seamen discharged or granted shore leave at ports of the

Seamen—bond required.

United States, bond with approved security in the penalty of \$500 for each such seaman shall be exacted for his departure from and out of the United States within thirty days.

Transit of laborers — requirements.

RULE 33. Every Chinese laborer seeking the privilege of transit through the United States to foreign territory shall, as a condition precedent to being allowed such privilege, comply with the following requirements; and if such a person is found, in the judgment of the officer in charge at the port of arrival, to be seeking the privilege of transit with an ulterior purpose of gaining an unlawful access to the United States, he shall be refused permission to land:

Prepaid ticket to be shown.

(a) The applicant shall be required to produce to the officer in charge of the enforcement of the Chinese exclusion laws at the port of arrival a prepaid through ticket across the whole territory of the United States, land or water, intended to be traversed (and to his alleged foreign destination according to the manifest of the vessel on which he arrives), and such other reasonable proof as may be required of him to satisfy the said officer that a bona fide transit only is intended and that the applicant does not seek the foreign destination named by him with an ulterior purpose of thereby gaining access to the United States in violation of law; and such ticket and other evidence in writing presented by the applicant must be so stamped or marked and dated by the said officer or his deputy as to prevent their use a second time; but no such applicant shall be considered as intending in good faith to make such transit only if he has already, on the same arrival, made application for and been denied admission to the United States.

Bond required.

(b) The applicant in such case, or some responsible person in his behalf, or the transportation company whose through ticket he holds, shall furnish to the said officer in charge a good and sufficient bond in the penal sum of \$500, conditioned for applicant's continuous transit through and actual departure from the United States within a reasonable time, not exceeding in any instance twenty days from the date upon which said privilege is granted; but the said bond shall not be required of any such applicant who remains on shipboard for transit through the water territory of the United States, or who is transferred from one vessel to another vessel in a port of the United States for a similar transit, unless the vessel on which said applicant

departs may touch at another port of the United States on the way to its foreign port or destination.

(c) The applicant in every such case shall furnish to said officer in charge, to be taken as directed by said officer, a photograph of himself in triplicate, together with such information as the officer in charge may require.

Photograph required.

**RULE 34.** The officer in charge of the enforcement of the Chinese exclusion laws at the port of arrival shall prepare a descriptive list, to which one of the photographs required by Rule 33 (c) shall be attached, bound in book form, for file in his office, containing as to each Chinese laborer who is an applicant for the privilege of passing through the United States to foreign territory the following information: Name, age, sex, last place of residence, and the data referred to therein by file number required for his identification. To the said descriptive list there shall be attached a dated and signed statement by the said officer in charge that applicant has complied with all the provisions of Rule 33, and that, being assured of applicant's good faith, the privilege of transit under bond has been accorded him.

Transit of laborers—action of officers concerning.

**RULE 35.** Two copies of the bound descriptive list required by Rule 34 shall be prepared by the officer in charge on detached blanks corresponding in form with the said bound descriptive list, to each of which shall be attached one of the photographs required by Rule 33 (c), and upon both of said photographs, as well as on the one attached to said bound list, shall be stamped the seal of the said officer in charge, so placed as not to cover any part of the face. One of said copies shall be forwarded by the first mail after it is prepared to the officer in charge of the intended port of exit and the remaining one shall be given to the conductor of the train, or to the captain of the vessel, by which the Chinese laborer to whom they relate is carried, for delivery to the said officer at the port of exit.

Transit of laborers—copies of descriptive list.

**RULE 36.** One of the copies described in Rule 35 shall be retained by the officer in charge at the port of exit, for his files, and the other, after an indorsement has been made thereon, duly signed and dated, to the effect that the Chinese laborer named therein has been identified and has departed from the United States, shall be returned by mail to the officer by whom it was prepared, and its receipt by him, duly executed as herein required, shall be his authority for cancellation of the bond given on behalf

Transit of laborers—procedure for cancellation of bond.

of the Chinese laborer, as provided in Rule 33 (b), to whom said descriptive list refers.

Transit of ex-  
empt classes.

RULE 37. No Chinese person who shall satisfy the officer in charge that he is other than a laborer (although not supplied with the certificate provided for by section 6 of the act of July 5, 1884), shall be required to comply with so much of the provisions of Rules 33, 34, 35, and 36 as requires Chinese persons seeking the privilege of transit to submit photographs of themselves and to be measured. If, however, any such Chinese person, after having been admitted to pass in transit through the United States, be found therein at the expiration of twenty days from the date of such admission, he shall be deemed to be in the United States in violation of law and shall be deported.

Insular terri-  
tory—a applica-  
tion of laws to  
Chinese resi-  
dents of exempt  
classes.

RULE 38. In view of the provisions of section 1 of the act approved April 29, 1902, it will be necessary for Chinese persons of the exempt classes who are citizens or subjects of other insular territory of the United States than the Territory of Hawaii to comply with the terms of section 6 of the act approved July 5, 1884, and for this purpose the permission of such persons to go from one insular territory to another insular territory of the United States, or from such insular territory to the mainland territory of the United States, shall be granted by officers designated for that purpose by the chief executives of said insular territories, and the duties imposed by section 6 of the act approved July 5, 1884, upon United States diplomatic and consular officers in foreign countries in relation to Chinese persons of the said classes shall be discharged by the officers in charge of the enforcement of the Chinese exclusion acts at the ports, respectively, from which any members of such excepted classes intend to depart from any insular territory of the United States: *Provided, however,* That the privilege of transit shall be extended to all Chinese persons other than laborers, as provided in Rule 37.

Hawaii.

As by section 4 of the act approved April 30, 1900 (31 Stat. L., 141), *all persons* who were citizens of the Republic of Hawaii on August 12, 1898, are declared to be citizens of the United States, persons of the Chinese race claiming such status may be admitted at either mainland or insular ports of entry upon producing evidence sufficient to establish such claim. Subjects of the Chinese Empire of the exempt classes residing in Hawaii must obtain certificates from the representative of their own



government (the Chinese consul-general, Honolulu), and such certificates must be viséed by the inspector in charge of the immigration service at said port, instead of by a diplomatic or consular officer.

The civil governor of the Philippine Islands having, by executive order No. 38, of September 23, 1904, designated the collector of customs, Manila, to *issue* to Chinese citizens of those islands the certificate provided by section 6 of the act of July 5, 1884, and it being impracticable, even if desirable, under existing circumstances, to require that such certificates shall be viséed, officers at ports of entry for Chinese will regard certificates issued to such Philippine citizens in the same manner as certificates issued by officials of foreign countries and viséed by American diplomatic or consular officers. Certificates issued by the Chinese consul-general, Manila, to *subjects of the Chinese Empire* residing in the Philippines will be viséed by the collector of customs at Manila, and when so viséed will be accorded the usual consideration.

Philippines.

RULE 39. A Chinese person presenting an authenticated copy of a judicial finding that he was born in the United States must identify himself as the person to whom such authenticated copy purports to relate.

Natives—acceptance of certified copy of court record.

RULE 40. Certificates of residence issued to Chinese registered laborers, if found elsewhere than in possession of persons to whom issued, should be taken up and deposited with the officer in charge, subject to orders of the Department of Commerce and Labor.

Certificates of residence to be taken up if found elsewhere than in possession of persons to whom issued.

RULE 41. Chinese laborers duly registered under act of 1892 are not required to register under act of 1893 to secure admission to or residence within the United States.

Certificates of residence under act of 1892 sufficient.

RULE 42. The authority, power, and jurisdiction in relation to the registration of Chinese lawfully resident in the United States, formerly vested by law in collectors of internal revenue, have been transferred to the Commissioner-General of Immigration, Washington, D. C.

Certificates of residence—officer empowered to issue.

RULE 43. Hereafter an original certificate of residence can be issued to a Chinese laborer only upon the finding of a justice, judge, or commissioner of a United States court that such Chinese laborer was a resident of the United States during the period of registration and that by reason of accident, sickness, or other unavoidable cause, he was then unable to secure such a certificate; except under section 4 of the act approved April 29, 1902.

Certificates of residence—method of issuing originals.

Certificates of residence—manner of issuing duplicates.

**RULE 44.** Duplicate certificates of residence will be issued only upon satisfactory proof to the Commissioner-General of Immigration that the Chinese person upon whose behalf application therefor is made has actually, by unavoidable accident, lost his original certificate.

Certificates—none to be issued except as provided in these regulations.

**RULE 45.** Officers in charge of the enforcement of the Chinese exclusion laws shall not issue any certificate, letter, or other document, or any duplicate thereof, other than those provided for by law and these regulations, setting forth the status of a Chinese person as a resident of this country, or otherwise indorsing such person.

Certificates—opportunity to be given to produce.

**RULE 46.** No Chinese laborer found within the United States without the certificate of residence prescribed by law shall be arrested until he has been allowed a reasonable opportunity, under the surveillance of the officer charged with the enforcement of the law, to produce such certificate. If he fails to produce such certificate after he has been given a reasonable opportunity to do so, he shall be taken by such officer before a justice, judge, or commissioner of a United States court in order that a warrant may be issued, upon the oath of such officer, for the commitment and trial of the said Chinese laborer.

Arrests—method of assuring proper identification.

**RULE 47.** The Comptroller of the Treasury having, on April 14, 1905, rendered a decision to the effect that the expense of photographing Chinese arrested within the United States may properly be paid from the appropriation for the "Enforcement of the Chinese exclusion acts," the practice with respect to the photographing of such persons heretofore existing will be modified to the extent indicated by the following:

Photographs in triplicate.

(a) Every Chinese person whose arrest is caused by an immigration or other official will be photographed immediately upon the consummation of the arrest, the photograph to be prepared in triplicate and not retouched nor mounted, one copy to be attached to the United States court or commissioner's docket, one to be furnished the officer in charge of the district in which the arrest occurred, and the other to be attached (in the event that deportation is finally ordered) to the writ of deportation.

When photographs to be made by other than officers.

(b) When arrests occur at stations the officers of which are supplied with photographers' apparatus, the photographs will be made by such officers; when in other localities, the immigration officers will have the photographs made by local photographers at the least possible expense compatible with a proper performance of the work, bills

therefor to be rendered on the blank vouchers supplied for rendering accounts, payable from the appropriation "Enforcement of the Chinese exclusion acts."

(c) The copy of the photograph attached to the docket of the court or commissioner should be permanently affixed thereto and in such manner as to render as remote as possible the chance of any change or substitution being made. Docket.

(d) The copy furnished the officer in charge of the district will be placed in his office records, together with a short history of the case to which it relates, being filed in such manner as to furnish a comprehensive record that can be readily referred to when needed at any future time. Office record.

(e) The copy attached to the writ in case of deportation should be affixed permanently thereto, and in such manner as to prevent the substitution of some other photograph therefor (the best method of obtaining this result being the impression of the court or commissioner's seal over the edge of such photograph but in such manner as not to mar or deface the features represented thereby), the objects of its use being to afford a means to the marshal of identifying his prisoner as the person referred to in the writ, and to supply the immigration official at the port of deportation with a means of identifying the person delivered on board the vessel as the person to whom the writ relates. Writ of deportation.

(f) Inspectors should request, and will undoubtedly receive, the full cooperation of commissioners or judges and marshals or deputy marshals, so far as necessary, in carrying out the above instructions. Cooperation.

**RULE 48.** The Department of Justice, under date of August 26, 1897, gave the following instructions: Prosecutions—  
United States attorneys to assist in.

United States attorneys are hereby directed, either in person or by their assistants, to appear on behalf of the Government to secure the proper enforcement of the law at all hearings held in their respective districts, to determine whether Chinese persons or persons of Chinese descent who have been arrested under the Chinese exclusion laws have a lawful right to remain in this country.

**RULE 49.** Orders for the deportation of Chinese persons can be made only by a justice, judge, or commissioner of a United States court upon his decision that such Chinese persons have been found to be unlawfully within the United States, and the cost of making any such deportation is payable from the appropriation for the enforcement of the Chinese exclusion laws. Deportation—  
by whom orders  
may be issued.

Deportation—  
charges incident  
to.

**RULE 50.** The appropriation "Enforcement of the Chinese exclusion acts" should be charged with the following expenses:

(a) The cost of maintenance of Chinese persons who are taken into custody up to and including the date upon which warrant issued by a United States judge or commissioner is received by the marshal.<sup>a</sup>

(b) The cost of maintenance of Chinese prisoners commencing with the date writ of deportation is first received by the marshal, provided the said order of deportation is not subsequently reversed upon appeal.

(c) The cost of deportation, including railroad and steamship fares of prisoners and marshal or deputy, authorized expenses for guard hire, and maintenance en route.

Deportation—  
instructions to  
United States  
marshals.

Upon receiving writs of deportation marshals should at once make written report to the Commissioner-General of Immigration, Department of Commerce and Labor, Washington, D. C., giving names of the prisoners, where confined in jail, and when the period of appeal provided by section 13 of the act approved September 13, 1888, will expire. Instructions will then be issued as to the route to be followed, number of guards to be employed, and to whom accounts are to be presented or forwarded for settlement.

Designation  
and location of  
officers in charge.

**RULE 51.** Under the authority conferred by section 7 of the act approved February 14, 1903, entitled "An act to establish the Department of Commerce and Labor," the authority, power, and jurisdiction in relation to the exclusion of Chinese persons and persons of Chinese descent heretofore vested by law in collectors of customs have been conferred upon and vested in officers in charge of districts as follows, such officers being under the control of the Commissioner-General of Immigration:

Title of officer.	Location of headquarters.	Extent of districts.
Commissioner of Immigration ..	Boston, Mass .....	Maine, New Hampshire, Massachusetts, Connecticut, Vermont, and Rhode Island.
Chinese Inspector in Charge....	New York, N. Y.....	New York and New Jersey.
Commissioner of Immigration...	Philadelphia, Pa ...	Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and District of Columbia.
Chinese Inspector in Charge ....	Charleston, S. C.....	North Carolina and South Carolina.

<sup>a</sup> Regarding cost of photographing, see Rule 47.

Title of officer.	Location of headquarters.	Extent of districts.
Chinese Inspector in Charge ....	Mobile, Ala.....	Georgia, Florida, and Alabama.
Chinese Inspector in Charge ....	New Orleans, La....	Louisiana and Mississippi.
Chinese Inspector in Charge ....	Toledo, Ohio .....	Ohio.
Chinese Inspector in Charge ....	Chicago, Ill.....	Illinois, Indiana, Kentucky, and Tennessee.
Chinese Inspector in Charge ....	Detroit, Mich .....	Michigan.
Chinese Inspector in Charge ....	Minneapolis, Minn .	Minnesota and Wisconsin.
Chinese Inspector in Charge ....	St. Louis, Mo.....	Missouri, Iowa, and Arkansas.
Chinese Inspector in Charge ....	Porta, N. Dak .....	North Dakota and South Dakota.
Chinese Inspector in Charge ....	Denver, Colo .....	Colorado, Nebraska, Kansas, Indian Territory, and Oklahoma.
Supervising Inspector.....	San Antonio, Tex ..	Texas, New Mexico, and Arizona.
Chinese Inspector in Charge ....	Helena, Mont.....	Montana and Idaho.
Chinese Inspector in Charge ....	Salt Lake City, Utah.	Utah, Nevada, and Wyoming.
Chinese Inspector in Charge ....	Port Townsend, Wash.	Washington (except Sumas).
Chinese Inspector in Charge ....	Sumas, Wash .....	Sumas, Wash.
Chinese Inspector in Charge ....	Portland, Oreg.....	Oregon.
Commissioner of Immigration...	San Francisco, Cal..	California.
Chinese Inspector in Charge ....	Richford, Vt.....	Richford, Vt.
Chinese Inspector in Charge ....	Ketchikan, Alaska .	Alaska.
Commissioner of Immigration...	San Juan, P. R.....	Porto Rico.
Chinese Inspector in Charge ....	Honolulu, Hawaii ..	Hawaiian Islands.

RULE 52. All rules and regulations for the enforcement of the Chinese exclusion laws inconsistent with these rules are, in so far as inconsistent, hereby rescinded. Inconsistent rules rescinded.

F. P. SARGENT,

*Commissioner-General of Immigration.*

Approved February 26, 1907.

OSCAR S. STRAUS,

*Secretary.*



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